

APPENDIX B: DEP Statutes and Regulations, State Policies and Plans, & Reports Concerning Water Resources

This list is an incomplete draft of DEP regulation, policy, plans, and reports concerning water resources. A similar listing of water resource regulations, policy, etc would be helpful.

DEP Program, Policy, Plan, Report	Statutes and Regulations	Summary
Water Supply Diversions	22a-365 to 22a-379 CGS Regulations- 22a-372-1 RCSA, <i>Public Hearing</i> 22a-377(b)-1 RCSA, <i>Exemptions</i> 22a-377(c)-1 RCSA, <i>Regulated activities & registered diversions</i> 22a-377(c)-2 RCSA, <i>Permits</i>	Requires a permit for withdrawals of surface & ground water exceeding 50,000 gal in any 24-hr. period. A Diversion registered before 7/1/83 is grand fathered an exemption from permit requirements. Regulations identify specific regulated activities and regulate registered diversions. Registered Diversions must be maintained in accordance with the information provided in the registration filed.
Conservation Plan Required in Diversion Permit.	22a-369(9) CGS	Requires identification of conservation measures instituted by applicant for a permit prior to application and the applicant's long-range water conservation plan to be implemented after issuance of permit pursuant to 22a-365 to 22a-378. The plan is to be prepared in accordance with MOU entered into pursuant to 4-67e CGS.
General Permits	22a-378a <i>Water Diversion</i> 22a-411 <i>Dam Safety</i> 22a-349a <i>Stream Channel Encroachment Line</i> 22a-45a <i>Inland Wetlands</i>	Authorizes general permits for Water Resource Construction Activities and Diversion of Water for Consumptive Use.
Regulation of dredging & erection of structures & placement of fill in tidal, coastal or navigable waters.	22a-359 CGS	Requires DEP to regulate dredging & the erection of structures & placement of fill, in tidal, coastal or navigable waters, including the recreational use of public water.
Dam Inspection & Repair Permit	22a-401 through 22a-411 CGS	Requires a permit for any person who proposes to construct a dam, dike, reservoir or similar structure, or repair, alter or remove an existing dam, dike, reservoir or similar structure. Permit also required if the structure might endanger life or property by breaking away.
Waste Water Discharge Permit Individual and General permits.	22a-416 through 438 CGS Regulations- 22a-430-1 through 22a-430-7 RCSA	Permits issued for discharges to waters of the state. Includes discharges to surface waters, ground waters, and POTWs.
Water Bureau Advisory Committee	Internal Policy Outreach Effort	Meets bi-monthly with the Water Management Bureau
Minimum Flow Standards & regulations for Stocked Rivers	26-141a through c	Establishes minimum flow standards and regulations that apply to all river and stream systems within the state that DEP finds are reasonably necessary to keep a sufficient flow of water to protect the fish placed in the river by DEP.

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River Protection Program Established Rivers Advisory Committee also known as RAC	25-102pp through 22a-102xx	Defines "protected river corridor. Makes DEP responsible for state-wide river policy & comprehensive protection of rivers. Requires DEP to (1) identify rivers or river segments to be protected, (2) designate protected river corridors and (3) approve, reject or modify river corridor maps & management plans submitted pursuant to 25-205 & 25-235 CGS. Also required DEP to establish a Rivers Advisory Committee (RAC) to assist DEP in developing the river protection program. Required preparation of a Model River Protection Ordinance.
Protected Rivers Act	25-200 through 25-210 CGS	Requires DEP to adopt a list of rivers in CT considered appropriate for designation as a protected river corridor. Also requires the river committee to prepare an inventory of all resources within the local drainage basin, a statement of objectives, a map defining the boundaries of the protected river, a report on all federal, state and municipal laws, plans, programs & activities which may affect the river corridor, and a river corridor protection plan. Requires amendments to municipal zoning laws, & conservation plans, major state plans, except the state C&D Plan, and regional plans of development, to be consistent with river corridor plan. DEP may petition the secretary for a revision to the State C&D Plan pursuant to section 16a-32.
Multiple Use Rivers	25-230 through 25-238	Empowers any two or more municipalities to establish by ordinance a river commission to maintain a river corridor through or forming a common boundary or designate a river advisory board to act as such a river commission. Requires the river commission to prepare a resource inventory, statement of objectives, a map of the river corridor, a report on all federal, state, regional & municipal laws, which may affect the river corridor, and a river corridor management plan.
Aquifer Protection Established Aquifer Protection Advisory Committee	22a-354 to 22a-354bb CGS Proposed Regulations- 22a-354i-1 through 10. Public Hearing 6/2/00.	Requires DEP to adopt Land Use Regulations for high-risk activity in APA areas for public water supplies serving more than 1000 people. Requires mapping of well fields by water companies. Requires towns to inventory land uses in APAs and adopt aquifer protection regulations.
Prohibition on Discharge of Sewage	22a-417	Prohibits the discharge of sewage to any water of the state tributary to existing or any proposed water supply impoundment identified in the long-range plan for management of water resources prepared and adopted pursuant to 22a-352 CGS.
Potable Drinking Water.	22a-471 CGS	Requires DEP to provide, as funds allow, short-term potable drinking water to residential buildings & schools based on determination by DPH that pollution of groundwater drinking supply has occurred.

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Water Supply Emergency	22a-378 CGS	Allows DEP to temporarily suspend a permit for diversion or impose conditions for 30 days upon permit holders without a hearing in the event the Governor declares an emergency.
Public Drinking Water Supply Emergency	25-32b	Allows DPH in consultation with DEP and DPUC to declare a public drinking water supply emergency upon receipt of information that a public water supply emergency exists or is imminent.
Sale of Water by Public Water Systems	22a-358 CGS	Requires approval of DPH, DEP, & DPUC. Applicant must establish that abundant supplies are in existence & will continue to be in existence for 5 years or longer as applicant seeks permission to sell excess water. Also requires approval of DPH and DPUC.
Land Sales by Water Companies	22a-355 CGS	Requires DEP to study distribution of dedicated open space in relation to proposed land sales by water companies. At the request of affected towns, DEP shall assist and coordinate the public acquisition of water company owned lands. DEP makes recommendations to the General Assembly for the acquisition of water company lands.
Inventory of Groundwater & Surface Water Resources Study of Water Policy Needs	22a-351 CGS	Directs DEP to conduct a ten-year program of detailed scientific study to establish an inventory of groundwater & surface water resources in the state.
Stream Gauging Stations	22a-364 CGS	Directs DEP to establish, operate and maintain a network of stream gages for water resources investigation in the State in cooperation with U.S. Geologic Survey.
State Policies and Plans		
Water Diversion Policy Act	22a-365 through 22a-379	Establishes that a diversion is any activity that causes or results in the withdrawal from or alteration, modification or diminution of flow of groundwater or surface waters of the state. Authorizes the registration of diversions maintained prior to July 1, 1982 and requires a permit for all new diversions equal to or above a 50,000 gallon/ 24 hour period threshold.
Water Resources Policy.	22a-380 CGS	List 7 goals and policies of the state to protect, conserve, & prevent contamination of water supply sources and balance competing needs for water equitably.
Connecticut Environmental Policy Act (CEPA)	22a-1a through 22a-1h CGS Regulation- 22a-1a-1 through 22a-1a-12 RCSA	Enables the State agency to judge the appropriateness of proceeding with an action in light of its environmental impacts. Pending Supreme Court Decision, regarding Waterbury Bureau of Water diverting water from the Shepaug River.

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Coordination of Water Resources Policy. Memorandum of Understanding. MOU developed in 1990 between DEP, DPH & DPUC.	<p>4-67(e) CGS</p> <p>Statutes subject to MOU:</p> <p>Sec. 16-19(a) DPUC <i>conservation</i> Sec. 16-32e(b) DPUC <i>emergencies</i> Sec 22a-369(9) DEP <i>conservation</i> Sec 25a-32d(b) DPH <i>conservation & contingency planning</i></p> <p>Regulations subject to MOU:</p> <p>Sec. 16-262m-9(a)(24) DPUC & DPH <i>conservation</i> Sec. 16-262m-9(a)(25) DPUC & DPH <i>emergency</i> Sec. 19-13-B102(s) DPH <i>conservation</i> Sec. 22a-377(c)-1 DEP <i>conservation</i> Sec. 22a-430-3(o) DEP <i>conservation</i></p>	Requires OPM to coordinate & review activities of DPH, DPUC & DEP regarding water conservation, emergency contingency planning and consistency of established policies with 22a-380.
Water Quality Standards	22a-426	The WQS set an overall policy for the management of water quality in accordance with Connecticut and Federal Law. The WQS contains 3 elements: the text of the policy statements; specific water quality criteria both narrative and numerical; and, the water classification maps.
Guidance for the Submission of Applications to Lower Ground-Water Quality Classifications to Class GB	<p>22a-426 CGS</p> <p>Ground Water Quality Standards Subparagraph GW8, April 12, 1996</p>	Provides guidance on the submission & review of an application to DEP to lower a ground water classification from Class GA to Class GB. A re-classification to Class GB is a change in the ground water use goals for an area, from potential drinking water supply to a non-drinking water supply. Three basic criteria must be met. (1) Ground water is not in use as a potable supply, (2) Surface water quality goals have been or will be met, and (3) No un-acceptable health risks.
Long Range Plan for Management of Water Resources	22a-352 CGS	Assigns DEP, DPH, & OPM the responsibility for developing a plan to: identify water for potable water distribution; forecast future water demands; recommend the allocation of water; recommend infrastructure needs; recommend land use controls to protect the quality and availability of water; quantify non-potable uses of water; and, incorporate local & regional water use plans into a state-wide plan.

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Connecticut's Conservation & Development Policies Plan	16a-24 through 16 (a)-33 CGS	The C&D Plan prepared by OPM is an assessment of Connecticut's growth, resource management & public investment policies. Serves as a guide for capital investment decisions, and assist state agencies in balancing human, environmental and economic needs. The Plan includes specific policy recommendations for the allocation of water & allocation priorities for Connecticut.
Municipal Plan of Conservation & Development	8-23 CGS	Requires the adoption of municipal plans of conservation & development identifying residential, commercial, industrial, conservation and any other desirable uses of land. Takes into account the State Plan of Conservation & Development & notes inconsistencies between the two. The Plan also shows the general location of existing & planned infrastructure including sewer & water lines.
Water Supply Plans Submitted to DPH, DEP, & DPUC for comment & review	25-32d CGS	Requires water companies to prepare water supply plans to evaluate: existing demands & supply systems; future water supply demands; new supply alternatives; water supply emergency plans; new system development plans; land sales; water monitoring; and, water conservation strategies. This process provides state agencies with an opportunity to comment on the present & future water needs of water companies & their priorities.
Coordination of Planning of Public Water Supply Plans DPH consults with DEP, DPUC, & OPM	25-33c through 25-33n	Integrates individual water company water supply plans within a defined water management area for the purpose of: establishing exclusive service areas for individual water companies; identifying potential areas of water shortage and surplus; fostering interconnections between water utilities; identifying potential water supply problems & solutions; coordinating programs within the management area; and through the services of a consultant, prepare a coordinated water system plan for that management area.
Capital Development Impact Statements	4-66(b)	Requires OPM to coordinate the conservation & growth for all areas of the state, to insure that each area preserves its unique character, to insure balanced growth & to promote prudent use of the state's resources.
Reports		
Report to the General Assembly on State Water Allocation Policies Pursuant to Public Act 98-224. Submitted January 2000. Also known as the Diversion 2000 report.	22a-375 (b) CGS.	Required DEP to prepare an inventory of registered diversions pursuant to 22a-368 CGS and report to the General Assembly on said registrations. Public Act 98-224(2) required report submitted on the adequacy of state water allocation policies in protecting & water resources while providing for public drinking water needs & establishing a methodology for allocating water for other uses when consistent with protection water resources.

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Preliminary Assessment of Water Withdrawals & Stream Flows in the Quinnipiac River Watershed. Prepared July 2000.	22a-365 to 22a-378 CGS 22a-375(b) CGS	Quinnipiac River Watershed Case Study included in "Diversion 2000 Report" in Appendix D. This report summarizes investigations of the Quinnipiac River Basin by the Low Flow/Water Allocation Work Group. Examines the status of water use in the basin based on Diversion permits, Diversion Registrations, Discharge Permits, Fishery Survey Data, Water Monitoring Data, U.S.G.S. Stream Flow Data, and a field monitoring survey conducted in 1999 to supplement the evaluations.
Annual Report on Holders of General Permits	22a-378a <i>Water Diversion</i> 22a-411 <i>Dam Safety</i> 22a-349(a) <i>Stream Channel Encroachment Line</i> 22a-45a <i>Inland Wetlands</i>	Provides a list of holders of general permits for water resource construction activities and diversion of water for consumptive use. The list is available to the public.
Annual Report Water Planning Process DPH submits to environment & public utility joint standing committees of the General Assembly.	25-33n CGS	Requires DPH to submit a report on the status of the water planning process established under 25-33g to 25-33j CGS.